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EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

Inventory of all international human rights standard-setting activities

Report of the High Commissioner for Human Rights prepared in accordance with Commission on Human Rights resolution 1995/92

GE.96-10180 (E)

Introduction

1. In its resolution 1995/92, entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights", the Commission on Human Rights requested the High Commissioner for Human Rights, acting within his mandate set out in General Assembly resolution 48/141, to maintain an inventory of all international human rights standard-setting activities, in order to facilitate better informed decision-making.

2. One of the most important contributions of the United Nations to the protection of human rights is in the setting of international standards. In this connection, the World Conference on Human Rights recognized the need to maintain consistency with the high quality of existing international standards and to avoid proliferation of human rights instruments, reaffirmed the guidelines relating to the elaboration of new international instruments set by the General Assembly (resolution 41/120 of 4 December 1986) and called on the United Nations human rights bodies, when considering the elaboration of new international standards, to keep those guidelines in mind, to consult with human rights treaty bodies on the necessity for drafting new standards and to request the Secretariat to carry out technical reviews of proposed new instruments.

3. The present report has been prepared in accordance with the above request. It consists of three parts: ongoing standard-setting activities by the Commission on Human Rights; standard-setting activities proposed by the Commission on Human Rights; standard-setting activities proposed or conducted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The High Commissioner for Human Rights refers to the inventory of all international human rights standard-setting activities as presented in the report of the Secretary-General prepared in accordance with Commission on Human Rights resolution 1994/19 (E/CN.4/1995/81), the format of which is pursued in this report.

I. STANDARD-SETTING ACTIVITIES ALREADY EMBARKED UPON BY THE COMMISSION ON HUMAN RIGHTS

Declaration on the rights and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

4. By decision 1984/116 of 16 March 1984, the Commission on Human Rights decided to establish an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. This decision was approved by the Economic and Social Council in its decision 1985/152 of 30 May 1985. So far the Working Group has held 10 sessions. At its most recent session in 1995, the report of which can be found in document E/CN.4/1995/93, the Working Group continued the second reading of the draft declaration.

Optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

5. By decision 1992/43 of 3 March 1992, the Commission on Human Rights decided to establish an open-ended inter-sessional working group of the Commission on Human Rights in order to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for its discussion the draft text proposed by the Government of Costa Rica (see E/CN.4/1994/66) and to consider the implications of its adoption and the relationship between the draft optional protocol, regional instruments and the Committee against Torture. This decision was approved by the Economic and Social Council in its resolution 1992/6 of 20 July 1992. During its fourth session, in 1995, report of which can be found in document E/CN.4/1996/28, the Working Group completed the first reading of the draft optional protocol.

Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography as well as the basic measures needed for their prevention and eradication

6. By its resolution 1994/90 of 9 March 1994, the Commission on Human Rights decided to establish an open-ended inter-sessional working group of the Commission on Human Rights responsible for elaborating, as a matter of priority and in close cooperation with the Special Rapporteur and the Committee on the Rights of the Child, guidelines for a possible draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication. By resolution 1994/9 of 22 July 1994, the Economic and Social Council approved this decision. The report of the most recent session of the working group can be found in document E/CN.4/1996/101.

Optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts

7. By its resolution 1994/91 of 9 March 1994, the Commission on Human Rights decided to establish an open-ended inter-sessional Working Group of the Commission on Human Rights to elaborate, as a matter of priority, a draft optional protocol to the Convention on the Rights of the Child using as one basis for its discussions the preliminary draft optional protocol submitted by the Committee on the Rights of the Child (E/CN.4/1994/91, annex). This decision was approved by the Economic and Social Council in its decision 1994/10 of 22 July 1994. The report of the most recent session of the working group can be found in document E/CN.4/1996/102.

Draft declaration on indigenous people

8. By resolution 1995/32 of 3 March 1995 the Commission on Human Rights decided to establish an open-ended inter-sessional Working Group of the Commission on Human Rights with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to resolution 1994/45 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled draft "United Nations

declaration on the rights of indigenous peoples" for consideration and adoption by the General Assembly within the International Decade of the World's Indigenous People. This decision was endorsed by the Economic and Social Council in its resolution 1995/32 of 25 July 1995.

9. The Working Group held its first session from 20 November-1 December 1995, the report of which can be found in document E/CN.4/1996/84.

II. STANDARD-SETTING ACTIVITIES PROPOSED BY THE COMMISSION ON HUMAN RIGHTS

Optional protocol to the International Covenant on Economic, Social and Cultural Rights granting the right of individuals or groups to submit communications concerning non-compliance with the Covenant

10. By its resolution 1995/15 of 24 February 1995, the Commission on Human Rights invited the Committee on Economic, Social and Cultural Rights to report to the Commission on Human Rights at its fifty-second session on the steps taken for the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights granting the right of individuals or groups to submit communications concerning non-compliance with the Covenant.

Basic principles and guidelines on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

11. By its resolution 1995/34 of 3 March 1995, the Commission on Human Rights encouraged the Sub-Commission to continue to give consideration to the proposed basic principles and guidelines proposed by the Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms with a view to making substantive progress on this matter in the specific field of violations of human rights. By the same resolution, the Commission requested the Secretary-General to submit a report on this subject to the Commission at its fifty-second session (E/CN.4/1996/29).

Declaration of Minimum Humanitarian Standards

12. By its resolution 1995/29 of 3 March 1995, the Commission on Human Rights, having taken note of resolution 1994/26 of 26 August 1994 of the Sub-Commission in which the Sub-Commission decided to transmit the text of the Declaration of Minimum Humanitarian Standards (E/CN.4/Sub.2/1991/55), adopted by a group of experts at a meeting in Turku (Abo), Finland, in December 1990, to the Commission with a view to its further elaboration and eventual adoption, requested the Secretary-General to transmit the text of the Declaration to Governments and intergovernmental and non-governmental organizations for their comments and to submit a report on the matter to the Commission at its fifty-second session (E/CN.4/1996/80).

Internally displaced persons

13. By its resolution 1995/57 of 3 March 1995, the Commission on Human Rights encouraged the representative of the Secretary-General on internally displaced persons to continue his review of the need for protection of and assistance to internally displaced persons, including, inter alia, his compilation and analysis of existing rules and norms. By the same resolution, the Commission requested the representative to continue to submit annual reports to the Commission and the General Assembly.

Protection of the heritage of indigenous people

14. In its decision 1995/108 of 3 March 1995, the Commission on Human Rights decided to endorse the request to the Special Rapporteur to prepare her final report on the basis, inter alia, of the information received and to submit it to the Sub-Commission at its forty-seventh session.

Third optional protocol to the International Covenant on Civil and Political Rights on the right to a fair trial and a remedy

15. In its decision 1995/110 of 3 March 1995, the Commission on Human Rights decided to consider, at its fifty-second session the establishment of an open-ended working group to draft a third optional protocol to the International Covenant on Civil and Political Rights aiming at guaranteeing under all circumstances the right to a fair trial and a remedy.

III. STANDARD-SETTING ACTIVITIES PROPOSED OR CONDUCTED BY THE SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Draft principles and guidelines for the protection of the heritage of indigenous people

16. By its resolution 1993/44 of 26 August 1993, the Sub-Commission on Prevention of Discrimination and Protection of Minorities endorsed the study of the protection of the cultural and intellectual property of indigenous peoples prepared by the Special Rapporteur Mrs. Erica-Irene Daes (E/CN.4/Sub.2/1993/28), and requested that she expand her study with a view to elaborating draft principles and guidelines for the protection of indigenous peoples' heritage. A final report containing draft principles and guidelines was transmitted to the Sub-Commission at its forty-seventh session (E/CN.4/Sub.2/1995/26).

17. By its resolution 1995/40, the Sub-Commission requested the Special Rapporteur to prepare a supplementary report and to submit it to the Sub-Commission at its forty-eighth session.

Basic principles and guidelines on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

18. By its decision 1995/103 of 1 August 1995, the Sub-Commission decided to establish a sessional working group on the administration of justice and the

question of compensation. The working group, inter alia, discussed the principles and guidelines proposed by the Special Rapporteur (E/CN.4/Sub.2/1993/8) and issued a report (E/CN.4/Sub.2/1995/16 and Corr.1).

19. By its decision 1995/117 of 24 August 1995, the Sub-Commission decided to request the working group to continue the consideration of the basic principles and guidelines proposed by the Special Rapporteur, Mr. van Boven, and to request him to propose a revised set of basic principles and guidelines, in time for the Sub-Commission's consideration at its forty-eighth session.

Draft international convention on housing rights

20. In its resolution 1994/38 of 26 August 1994, the Sub-Commission took note with interest of the draft international convention on housing rights contained in the second progress report of the Special Rapporteur on the right to adequate housing (E/CN.4/Sub.2/1994/20). By its resolution 1995/27, the Sub-Commission requested the Secretary-General to solicit from States, United Nations bodies, and non-governmental and community-based organizations comments on the draft international convention on housing rights and to submit to the Sub-Commission at its forty-eighth session a compilation and analytical commentary on the comments received.

Guidelines on international events and forced evictions

21. By its resolution 1995/29 of 24 August 1995, the Sub-Commission took note of the report of the Secretary-General on guidelines on international events and forced evictions (E/CN.4/Sub.2/1995/13) and requested him to submit an updated report to the Sub-Commission at its forty-eighth session and to convene an expert seminar on the practice of forced eviction and its relationship to internationally recognized human rights.